

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3809 of 2024**

Arising Out of PS. Case No.-300 Year-2022 Thana- FATEHPUR District- Gaya

Pramod Yadav S/O- Shankar Yadav Village- Naudiha Ps- Fatehpur Dist- Gaya
... .. Appellant/s

Versus

1. The State of Bihar
2. Santosh Ravidas S/O- Late Munni Ravidas Village- Bhaluani Ps- Fatehpur Dist- Gaya
... .. Respondent/s

Appearance :

For the Appellant	:	Mr. Bhaskar Shankar, Advocate
For the State	:	Mr. Binay Krishna, Spl.P.P.
For Respondent no. 2	:	None

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 18-04-2025 Heard learned counsel for the appellant and learned Special P.P. for of the State. Despite valid service of notice, nobody appears on behalf of respondent no. 2.

2. This appeal has been filed against the order dated 16.07.2024 passed by learned Special Judge, SC/ST Act, Gaya in connection with Fatehpur P.S. Case No. 300 of 2022, registered under Sections 302/34 of the Indian Penal Code and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (for short “SC/ST Act”), whereby the prayer for bail of appellant has been rejected.

3. As per F.I.R., this appellant alongwith other co-accused persons assaulted son of informant with *lathi* and *danda*, on account of which, he became unconscious and died



during treatment.

4. Learned counsel for the appellant submits that from perusal of F.I.R., it is manifest that informant is not eye-witness to the alleged occurrence. There is no specific allegation of assault against this appellant. There is no allegation of abuse by caste name and as such, no case under the SC/ST Act is made out. Co-accused namely Kamta Yadav and Umesh Yadav, having similar and identical allegation, have already been granted bail by coordinate Bench of this Court, vide order dated 19.04.2023 passed in Cr.Appeal (SJ) No. 3788/2022 and order dated 13.12.2024 passed in Cr.Appeal (SJ) No. 4571/2024 respectively. The appellant is in custody since 12.06.2024, having no criminal antecedent.

5. Learned Spl. Public Prosecutor for the State vehemently opposed the appeal.

6. However, considering the aforesaid facts and circumstances as well as period of custody and clean antecedent, the impugned order dated 16.07.2024 is, hereby, set aside and this criminal appeal is allowed.

7. Let the appellant, as named above, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge, SC/ST Act, Gaya in connection with
Fatehpur P.S. Case No. 300 of 2022.

(Prabhat Kumar Singh, J)

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